SPEECH

OF

HON. CHARLES BILLINGHURST,

OF WISCONSIN,

DELIVERED IN THE HOUSE OF REPRESENTATIVES, AUGUST 9, 1856.

The House being in the Committee of the Whole on the state of the Union—

Mr. BILLINGHURST said:

Mr. CHAIRMAN: Availing myself of the present occasion to submit a few observations to the House and to the country, I shall mainly take for my text the last annual message of the President of the United States, or passages in said message which I think are justly entitled to unsparing animadversion. That executive pronunciamento was, as is well remembered, thrust upon us, the Representatives of the people, most ungraciously, and it will also be remembered that it found none here so poor as to do it reverence. It has never been received—never read in the House—a just rebuke of a tyrannical Executive who forgets the "decent respect" which is ever due to the popular branch of Government. The people make and unmake Presidents, and sometimes Presidents unmake themselves. There is no way so sure to accomplish this last act as for the President to treat the people or their chosen Representatives with contumely.

Inasmuch as the President seems to have no friend in the House to bring to light this most remarkable document, I propose to dig it up from the mass of matter under which it lies buried on the Speaker's table, that I may review some of its salient points, fairly and with even-handed justice, that the friends and defenders of the President (if indeed he has any remaining since the assembling and terrible, if not most ungrateful, action of the Cincinnati Convention) may have an opportunity to defend the great rejected candidate.

The President, in his message, asks, with much put-on unction, "What is the voice of history?" He should have paid some heed to the old maxim, "Sufficient unto the day is the evil thereof," before he turned historian. Sins enough in the practical administration of the Government were daily committed, at his hands, without adding to them the falsification of the history of our country. The *honest* historian chronicles the virtues as well as the vices of the times and of the country; but President Pierce, like a feed attorney, appears as the advocate of one section of his country against the other, and that other the section in which he has ever had his home, and where he was born and reared.

"What is the voice of history?" he asks, and then talks of Florida as an acquisition demanded by the whole Union!—of Louisiana, and declares it a mere delusion to say that she was an acquisition in the special interest of the South!—of Texas, *whilst out of the Union*, and of the efforts made to prevent her annexation, as a "systematized attempt to intervene in the domestic affairs of one section of the Union in defiance of their rights as States, and of the stipulations of the Constitution." But he boasts that the Constitution triumphed over sectional prejudice and the political errors of the day, and that Texas came into the Union with the chosen institutions of her people.

In the passage of the compromise measures of 1850, he again eulogizes the Constitution as signally triumphing, and is especially gratified that among those measures the fugitive slave law has invaded the rights of the States—that is, that that law of Congress, whether unconstitutional or otherwise, which was framed and passed to please the South, with the knowledge that it would be distasteful to the North, does invade and attempt to nullify the guarantied State rights of his own section of the Union. For the passage of this act he assumes to rejoice and be most glad.

The Territories of Utah, New Mexico, Washington, Nebraska, and Kansas are prominent points of historical review. Incidentally the President alludes to an antiquated piece of legislation called the "ordinance of 1787," for the government of the territory northwest of the Ohio, as having had a place upon the statute-books for two or three years, and then been superseded by the Constitution, when it ceased to remain as a law! He is certainly entitled to credit for magnanimity in admitting that a recollection of that ordinance

existed down to the year of our Lord 1820; but there, at that point, the Executive historian loses all sight or recollection of it. He, however, finds another piece of *mere formal legislation* upon the statute-books at that period, growing out of an evanescent controversy" called the Missouri "promise," of "most doubtful constitution-" and he styles it "the dormant letter of ." Capital idea that!

"Ask thee, Jew, for teaching me that word!"

It was *dormant*. It did sleep, guarded, and pored over, protected, undisturbed, but *revered* by the great and good men of the nation for thirty-three years, until 1854, when it was about to awake and take on vitality. Then it was that the President and his reckless coadjutors gave it the death-blow. "Dormant!" did he say? Yes, it slept, but had another class of as vigilant watchers who made it *the sleep that knew no waking*.

I will not now go further with his Excellency into other points of history to which he alludes, although it might be both profitable and interesting to do so, but will say, just here, that if his history had been *accurate*, as well as *complete*, it would have saved me much labor. It is a duty we all owe to our country, as it seems to me, when we find its history falsified by authors, or men in high places, to expose and correct it, and thus, as cotemporaries, occupying responsible positions in the councils of the nation, supply any material omissions which we may discover.

As the humblest of the body I am a member of, I will cheerfully undertake to execute my part of this duty. And first, I shall speak of the ordinance of 1787, which, the President says, was superseded by the Constitution, and ceased to remain as a law, &c.

This ordinance was adopted by the Congress of the Confederacy. It related to territory which had been ceded to the Confederacy. The territory was outside of the States. The ordinance was an act outside of the Articles of Confederation; and that portion of it relating to the slavery question was, in terms, an express and solemn compact, as follows:

"It is hereby ordained and declared by the authority aforesaid, that the following articles shall be considered as articles of a *compact* between the original States and the people and States in said Territory, and forever remain *unalterable*, unless by common consent.

"ART. 6.—There shall neither be slavery nor involuntary servitude in the said Territory, otherwise than in punishment of crime, whereof the party shall have been duly convicted: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid."

Now I beg to ask what article or section of the Constitution repealed this ordinance, or how did the Constitution, which was framed for the government of the States (and not for Territories) *supersede* this organic law of the Territory? Was it that clause which reads as follows?

"Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory, and other property belonging to the United States.

It could not be, for this relates to the Territory as *property*. It is indeed difficult to understand how the Constitution superseded this ordinance. So far as the Constitution contravenes any of the provisions of the ordinance, the Constitution is unquestionably paramount. As States have been, from time to time, formed from this Territory, their constitutions, so far as they have trenched upon the ordinance, have superseded that instrument; but in every one of the States formed therein, this same ordinance, in some of its features, is now self-operative, and so recognized by judicial decisions. I ask, who of the north-western States does not recognize the validity of the following clause in it?

"The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of said Territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty, therefor."

Repeatedly has this ordinance been held to be in force by the courts. No new or other legislation has been had to give it vitality. As States have been formed, from time to time, out of this territory, or within its boundaries, the ordinance has been in force over what of said territory still remained, and more than once has it been extended to other territories. It was extended over Louisiana, with the exception of the sixth article already referred to.

In relation to this sixth article, and the Missouri compromise, the President discourses thus:

"This provision ceased to remain as a law, for its operation as such was absolutely superseded by the Constitution. But the recollection of the fact excited the zeal of social propagandism in some sections of the Confederation; and, when a second State, that of Missouri, came to be formed in the Territory of Louisiana, a proposition was made to extend to the latter Territory the restriction originally applied to the country situated between the rivers Ohio and Mississippi.

"Most questionable as was this proposition in all its constitutional relations, nevertheless it received the sanction of Congress, with some slight modifications of line, to save the existing rights of the intended new States. It was reluctantly acquiesced in by southern States as a sacrifice to the cause of peace and of the Union, not only of the rights stipulated by the treaty of Louisiana, but of the principle of equality among the States guarantied by the Constitution. It was received by the northern States with angry and resentful condemnation and complaint, because it did not concede all which they had exactingly demanded. Having passed through the forms of legislation, it took its place in the statute-book, standing open to repeal, like any other act of doubtful constitutionality, subject to be pronounced null and void by the courts of law, and possessing no possible efficacy to control the rights of the States which might thereafter be organized out of any part of the original Territory of Louisiana.

"In all this, if any aggression there were, any innovation upon preëxisting rights, to which portion of the Union are they justly chargeable?

"This controversy passed away with the occasion, nothing surviving it save the dormant letter of the statute. But long afterwards, when, by the proposed accession of the Republic of Texas, the United States were to take their next step in territorial greatness, a similar contingency occurred, and became the occasion for systematized attempts to intervene in the domestic affairs of one section of the Union, in defiance of their rights as States, and of the stipulations of the Constitution. These attempts assumed a practical direction, in the shape of persevering endeavors by some of the representatives of both Houses of Congress to deprive the southern States of the supposed benefit of the provisions of the act authorizing the organization of the State of Missouri.

"But the good sense of the people, and the vital force of the Constitution, triumphed over sectional prejudice and the political errors of the day, and the State of Texas returned to the Union as she was, with social institutions which her people had chosen for themselves, and with express agreement, by the reannexing act, that she should be susceptible of subdivision into a plurality of States."

Thus discourses Mr. President Pierce on the subject of the ordinance of 1787, and the action of Congress and the people thereon at different periods since its enactment. He should know, if he does not, what every intelligent American citizen knows, that the first Congress assembled under the Constitution reënacted this very ordinance by the following act, being the eighth act of that session:

"*An act to provide for the government of the territory northwest of the Ohio river.*

"Whereas, in order that the ordinance of the United States in Congress assembled, for the government of the territory northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases in which by the said ordinance any information is to be given, or communication made, by the Governor of the said Territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said Governor to give such information, and to make such communication to the President of the United States; and the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint, all officers which, by the said ordinance, were to have been appointed by the United States in Congress assembled; and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might, by the said ordinance, revoke any commission, or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

"SEC. 2. *And be it further enacted*, That in case of the death, removal, or resignation, or necessary absence of the Governor of the said Territory, the Secretary thereof shall be, and he is hereby, authorized and required to execute all the powers and perform all the duties of the Governor during the vacancy occasioned by the removal, resignation, or necessary absence of the said Governor."

All cause of cavil was removed by this act. But President Pierce says to Congress and the country, "it ceased to remain as a law." I will not insult the good sense of the House by attempting to refute this executive declaration, as everybody knows that the validity of the ordinance of 1787 is not to be thus repudiated. Mr. President Pierce may discharge his puny arrows at it from now until the 4th of March next, and the old ordinance will still stand unhurt, and unbattered even.

Now, Mr. Chairman, I propose to call to the minds of those who hear me, or who may take the trouble to read my speech when published, some recollection of sundry points in our legislative history *omitted* by the historian-President.

The legislation for Oregon finds no place in his history;

That for Minnesota has no place in his history;

That for the two free States to be formed out of the Territory of Texas finds no place in his history;

That for California, as a free State, finds none;

The legislation relative to the proviso connected with the settlement of the boundary line between Texas and New Mexico, finds no place in his history;

The local Mexican law prohibiting slavery in Utah and New Mexico, finds no place there;

Nor does the legislation to suppress the slave trade in the District of Columbia, one of the compromises of 1850, find any place in his history.

Oh, no; this most *impartial* historian-President could not condescend to give a truthful and an impartial history of the legislation of the country relative to the vexed question of slavery. It was too much for his nerves to bear, just as he was framing his message with a view to make a strong and most desperate bid for the whole southern vote in the Cincinnati convention. So he framed his history to tickle the ears of southern politicians. And how have his labors been rewarded?

The President, however, deserves to be credited with the ingenious discovery of a point entirely new in our legislative history. Or, if he did not discover or invent it, he had the honor of learning it and first spreading it before the public, in a most grandiloquent strain. It succeeds the clause in the message in which he consecrates the compromise measures of 1850, and thus reads:

"Vain declamation regarding the provisions of law for the extradition of fugitives from service, with occasional episodes of frantic effort to obstruct their execution by riot and murder, continued for a brief time to agitate certain localities."

There—that is rhetorical, if not historical. I now come to the point:

"But the true principle, of leaving each State and Territory to regulate its own laws of labor according to its own sense of right and expediency, had acquired fast hold of the public judgment to such a degree that, by common consent, it was observed in the organization of the Territory of Washington."

The Territory of Washington was organized March 2, 1853—two days before President Pierce was inaugurated. Only three years before this, the Union was thought to be in danger. The throes of the body politic were keenly felt from the center to the extreme portions of the Union. But, luckily, the Union was saved by a string of compromises—one of which stopped the slave trade in the District of Columbia; another of which admitted California into the Union as a free State; two others organized Utah and New Mexico, where slavery was already prohibited by the local or Mexican law, giving them permission to come into the Union, in proper time, as States, with or without slavery. What else occurred in the mean time? Ah, I have it. Two presidential conventions assembled, each resolving solemnly to abide by those compromises, every one of them. Was there any other new matter acted upon? No. What novel principle had taken such fast hold of the public judgment as to be introduced, by common consent, into the government of Washington Territory, making the nation jubilant? Was it the prohibition of slavery therein? No, that is not the President's meaning, by a long shot. He finds no joy, nor consolation, nor hope of reward in that direction. His thoughts were running another way. The ingenuity of his

mind lies in finding out the fact that this glorious principle of his had, by common consent, found its way into Washington Territory. And when did *he* find this out? It was news to Congress—news to the people. How did he keep so prominent a fact concealed for so long a time? What evidence has he of this common consent? I will tell you, Mr. Chairman, confidentially, what I think of it. I think that the authors of the bill for Washington Territory shot beyond the stone Ezel, as spoken of in the Bible, or overshot the mark. They were altogether too keen, or, to use a Yankee expression, too *smart* for themselves, and thus failed to accomplish what they intended. That they intended to leave off from Washington a wholesome restriction, long the settled policy of the Government as to Territories, I have not a doubt; and that the present President was let into the secret and safely kept it until he wrote his message, I have just as little doubt.

What are the facts in the case? Look at them. Oregon Territory was organized August 14, 1848, including what is now Washington Territory, and a part of the Oregon act reads as follows:

"SEC. 14. That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the Territory in the United States northwest of the river Ohio, by the articles of *compact* contained in the ordinance for the government of said Territory, on the 13th day of July, 1787, and shall be subject to all the conditions and restrictions and prohibitions in said articles of *compact* imposed upon the people of said Territory."

Here the slavery prohibition, in the form and express terms of a *compact*, unalterable, except by consent of all the parties, is extended over all Oregon, the north half of which is now Washington Territory. It is not the ordinary "Wilmot proviso," a simple act of legislation, but an expressly declared *compact*, unalterable and irrepealable, except by the consent of all parties interested.

Mr. Chairman, I leave gentlemen to judge how far a *compact* can be impaired by an ordinary act of legislation. The shrewdness of the authors of the Washington territorial bill, specially known to the President and highly appreciated in secret for a long time, is to be found in the peculiar phraseology of the twelfth section of said bill. Here it is. Listen and ponder:

"*And be it further enacted*, That the laws now in force in the Territory of Oregon by virtue of the legislation of Congress, which have been enacted and passed *subsequent to the 1st day of September*, 1848, * * * * be, and they are hereby, continued in force in the Territory of Washington until they shall be repealed or amended by future legislation."

By continuing in force the laws of Congress relating to Oregon, passed subsequent to the 1st day of September, 1848, the design of the framers of the Washington territorial bill was, manifestly and clearly, to shut out the organic law of Oregon passed August 14, 1848. Does anybody believe that ten members of Congress understood the object and purpose of this curious hiatus of sixteen days? And it is by such legislation that a "great principle" has been introduced into Washington Territory; to the general joy of the American people, as Mr. President Pierce, the self-appointed historian of the legislation of this country, would have it.

The organic law of Oregon, already referred to, has never been repealed, as it regards Washington Territory; and, although Congress did declare that its laws passed subsequent to the 1st day of September, 1848, should be in force in Washington Territory, it does not necessarily follow that other laws previously in force there are repealed. Far, very far from it. They stand, and will exercise their binding force, in spite of the ingenious contrivance of the authors of the Washington territorial act, over which the President seems to think the whole country is rejoicing.

I hardly can conjecture to what extent this Administration will carry its new doctrine of repealing laws by "superseding" them. It may be that the solemn *compact* extended over Washington Territory has been superseded. That the people may have their attention called particularly to this novel doctrine, I will recapitulate the instances of its application under the present Administration.

The Missouri compromise of 1820 was "superseded" by the compromise measures of 1850, but not known until 1854.

The ordinance of 1787 extended over Oregon in 1848, was "superseded" in 1853 by the Washington territorial bill, but not known until 1856.

The ordinance of 1787 was "superseded" by the Constitution of 1789, but not known until 1856.

It is at least a *convenient Executive doctrine*, as it *keeps the people in the dark*.

The next passage in the message which I shall notice is an extract from the Kansas and Nebraska act, and the part which, ever since its enactment, has been uttering, to this Administration and its adherents,

"Signs of woe, that all is lost."

Until the repeal of the Missouri compromise, my own political associations had unwaveringly been with the Democratic party; and as this pestiferous measure originated with Democrats, and became one of the tenets of the party, I felt imperatively called upon to examine it with all the care its importance to the country seemed to me to demand, and, from my party associations and affinities, I reviewed and considered it from the most favorable point, I am sure. In candor I confess that I could find no merit in it, or any thing to justify the very grave act of repealing the Missouri compromise, (which had stood revered and nearly as sacred as the Constitution itself by the whole people of the Union for some thirty-four years,) and of reopening the slavery question, which had been so solemnly settled, according to President Pierce's inaugural address, by the compromise measures of 1850. I could not sanction or support it. I could not longer act with a party which would adopt it as a cardinal feature in its creed. I felt, as no doubt Mr. President Pierce felt, when the measure was first sprung in the Senate upon the country, and when his official mouth-piece, the Union newspaper, repudiated and denounced it; but I held on to my opposition to so unwise, unjust, and wrongful

a measure, whilst the President and his official mouth-piece turned to the right-about face, and hugged and embraced the identical measure which they had, in good set terms, but a little while before, no doubt honestly, condemned.

But beyond this, and as a graver question than even the repeal of this time-honored compact, there was a measure incorporated in that act by way of explaining or interpreting the intent of Congress in passing the act, more alarming in its character than any act of Congress since the foundation of the Government. I will now proceed to strip this measure of the ingenious contrivances of language to hide its meaning, and expose it in all its enormity.

I have always, Mr. Chairman, regarded slavery as a local, sectional, and not a national institution, and that the nation not only had, but as was its duty to the spirit and the letter of the Constitution, always should avoid anything and everything even looking like a recognition of its nationality.

But, sir, by the Kansas and Nebraska act *slavery was expressly legalized* within those Territories. Now for the proof:

"It being the true intent and meaning of this act not to legislate slavery into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

What mere twaddle it is to contend that Congress does not intend to legislate slavery into the Territories. How could Congress *legislate* it in any more than it could *legislate* money in, or crime or virtue? This form of expression is not inconsistent with a system of legislation that would bring about a state of things by which slavery might slide into a Territory that was free. Slavery was never *legislated* into any locality; but it has been *taken in* by virtue of legislation.

Let us consider the other branch of this legislative-judicial interpretation. Congress has solemnly declared its true intent to be, not to exclude slavery from the Territories, but to leave the *people* thereof perfectly free to form and regulate their *domestic institutions* in their own way.

A *domestic institution* may be the creature of law or a mere conventional regulation. A family, a school, a church, a state of servitude, is a domestic institution. In fact, the word *domestic*, from *domus*, a house, or home, residence, or family, as domestic concerns, domestic life, domestic duties, domestic affairs, domestic happiness, domestic worship, and in a substantive sense, "one who lives in the family of another, a servant or hired laborer," excludes the idea of a *legal* institution.

Congress did not say they intended to leave the people free to form and regulate their *institutions* in their own way. If they had, it would have been taken to be such institutions as are formed and regulated by *law*—not conventional or self-formed: but by the introduction of the word "domestic," which, in its place in this law, was and is understood and intended to comprehend *slavery* alone, Congress has inaugurated a new principle of legislation for Territories, essentially differing from the doctrine of non-intervention.

It is only by a careful consideration of all the *terms* in this "stump speech" in the act, that we are enabled to arrive at its "true intent and meaning." "To form," in its connection, can only signify to *introduce* or *establish*. Wherein "the people" are authorized "to form" their *domestic* institutions, inasmuch as the formation of *such* institutions does not require the intervention of legislation, the law regards "the people" as *individuals*, and not collectively, as a community, acting under the forms of law. Again: wherein "the people" are authorized "to regulate" such institutions, it is equally clear that Congress intended such *regulation* should be by "the people" *collectively*. The people of slave States individually "*form*" their *domestic institutions;* collectively, as represented in the Legislature, they *regulate* them.

Before the repeal of the Missouri compromise, slavery was prohibited in Kansas and Nebraska; and, according to my understanding of the law, slavery can exist legally only by express legislation permitting it; so that, if Congress had contented itself with simply repealing the prohibition, slavery could not legally have existed in the Territories in question.

Now, to put this law to a practical test, to determine whether Congress has legalized slavery in the Territories, and thus given to it nationality of character, I will put a case.

Dr. Stringfellow's slave *Cato* sues out a writ of *habeas corpus* before Judge Lecompte to procure his freedom on the ground that slavery is not recognized by the organic law. On the hearing, the judge examines the law, and finds, in section twenty-three thereof, that he has been required, in his oath of office, to swear that he would support the Constitution of the United States and the provisions of the Kansas and Nebraska act. He then turns to the thirty-second section, and reads *that Congress has declared that they did not intend or mean to exclude slavery from the Territory, but to leave every man who emigrated to it perfectly free to bring his own domestic institutions with him*, and that the Territorial Legislature is invested with *power* to *regulate* such institutions. The judge turns to *Cato* and says to him, "I am sworn to support this law of Congress, and cannot discharge you."

Stripped of all disguise, this modern Democratic doctrine of "popular sovereignty" amounts to this: *the extension of slavery into free Territories*, by stealthy legislation, or by ruffian force. Each successive extension is a triumph of the Constitution and the Union, in the estimation of the President, or it *was* so, previously to the assembling of the late Cincinnati Convention. And yet he tells us that the scope and effect of the repeal of the Missouri compromise was not left in *doubt*. Does it, or will he, tell us whether slavery can go into the Territory or not? Does it, or will he, tell us whether or not the Territorial Legislature can establish or prohibit slavery? The doctrine maintained by our southern brethren is, that neither Congress nor the Territorial Legislature have the constitutional power to prohibit slavery in the Territories. The Democrats of the North maintain that there is nothing in the Kansas and

Nebraska bill which authorizes slavery; while some contend that the sovereignty conferred upon the people of the Territory is to *legislate* upon the subject of slavery, *pro* and *con.*, and others still insist that no legislation can be had on the subject. Some there are who maintain that the act means *slavery*, and others that it means *freedom*. All these views, with others too numerous to name, are divided and subdivided into innumerable grades and shades, so that scarcely any two minds can be found to agree in the matter. And still the President proclaims that the scope and intent of this famous and iniquitous act were not left in *doubt!*

"And he played upon the harp of a thousand strings,
Sperits of just men made perfee."

Mr. Chairman, I have now done with the President, so far as relates to his historical legislative facts and omissions; but I shall endeavor to hold him up to the public as he is, and to place before him his own mirror, that he may take a retrospective glance at himself. I call attention to another part of his message, and it is a most humiliating duty that I now feel called on to perform. When I look back no longer ago than the year 1852, two years after the passage of the fugitive slave law, when the two great political parties of the country, comprising nearly our entire population, manifesting a spirit "that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed," agreed to abide by the compromises of 1850, as a *finality*, and that, under this agreement, the present Chief Magistrate of the nation was elected by an unprecedented majority, my heart sickens at his subsequent political depravity. He has to answer for a willful and audacious violation of the solemn promise he made to the country, and upon which he was elected to the Presidency. He has to answer for a gross and sudden violation of the promise he made in his inaugural address, at the time he was sworn into office, that he would take care to see the compromise measure, to stop agitation on the slavery question, and to give peace to the country, and all other laws, faithfully executed. Instead of keeping his sworn pledge, he has reopened the old controversy, greatly fomented and embittered public feeling, and forfeited the respect of the people.

The President's course having involved him in difficulties, he seeks to extricate himself by misstatements, suppressions, and false reasonings; and to divert attention from his own perfidy, charges back upon America's freemen who halt from following him in his iniquitous career, calumnies like the following:

"It has been a matter of painful regret to see States conspicuous for their services in founding this Republic, and equally sharing its advantages, disregard their constitutional obligations to it. Although conscious of their inability to heal admitted and palpable social evils of their own, and which are completely within their jurisdiction, they engage in the offensive and hopeless undertaking of reforming the domestic institutions of other States, wholly beyond their control and authority. In the vain pursuit of ends, by them entirely unattainable, and which they may not legally attempt to compass, they peril the very existence of the constitution, and all the countless benefits which it has conferred. While the people of the southern States confine their attention to their own affairs, not presuming officiously to intermeddle with the social institutions of the northern States, too many of the inhabitants of the latter are permanently organized in associations to inflict injury on the former by wrongful acts, which would be the cause of war as between foreign powers, and only fail to be such in our system because perpetrated under cover of the union.

"Is it possible to present this subject as truth and the occasion require without noticing the reiterated but groundless allegation, that the South has persistently asserted claims and obtained advantages in the practical administration in the General Government to the prejudice of the North, and in which the latter has acquiesced? That is, the States which either promote or tolerate attacks on the rights of persons and of property in other States, to disguise their own injustice, pretend, or imagine, and constantly aver that they whose constitutional rights are thus systematically assailed, are themselves the aggressors. At the present time, this imputed aggression, resting, as it does, only in the vague declamatory charges of political agitators, resolves itself into misapprehension or misrepresentation of the principles and facts of the political organization of the new Territories of the United States."

Mr. Chairman, much of this I have answered, and I do not read it now so much to comment upon it, as to call to it especial attention—to render it conspicuous. Do States disregard their constitutional obligations by enacting laws to compel postmasters to rifle the mails—by passing laws to imprison free citizens of other States because of their color, and then to sell them into slavery to pay their jail fees? Is not the thrusting of slavery upon Kansas, by ruffians of slave States, a departure of attention from their own affairs, and an officious intermeddling with social institutions of other localities? Is the formation of an association to correct public sentiment by moral suasion and the spread of truth, just cause of war? Has the South no advantage in the practical administration of the General Government, when, by the settled policy of the Senate for more than a quarter of a century, no northern man who has spoken the truth of slavery can pass the ordeal of its approval?

There was a time when every American felt a generous glow of conscious pride at the reflection that the assertion, "I am an American citizen," assured him esteem, respect, and safety at home and abroad; but since an American President has sent forth to the world *such* a message, that generous glow of conscious pride comes back no more—his manhood sinks beneath the degradation, and his self-respect forbids the utterance of the once proud exclamation, "I am an American citizen," even as a passport in a foreign land.

It is a new and a curious idea which the southern portion of the present Congress, with the Executive, entertain, that all who favor the extension of slavery in any way are the thoughtful friends of the Union, the true lovers of the country, the real defenders of the Constitution, the true and only patriots of the land. This is the burden of the song which the President sings all through his message, whilst he stigmatizes as "fanatics," "agitators," "disturbers of the peace," "enemies of the Constitution," &c., all those who love freedom better than slavery, the prosperity of the country better than their own indolent ease, and who believe that the Constitution was framed and intended to secure the blessings of liberty, and who would defend the Territories against the blighting curse of slavery.

But, sir, the issue is made up. This new party test of "popular sovereignty." *alias* slavery extension, that has been inaugurated by this Administration, has gathered to its support the federal office-holders—the *conservative* men, *par excellence*, whether Whigs or Democrats—all the old fogies—and, stealing

"The livery of the court of Heaven to serve the Devil in,"

they take the name of Democracy, and agree to support James Buchanan, in every aspect a most appropriate candidate for such a fusion. He is Federal, he is conservative, both Whig and Democrat, and is eminently an old fogy. The convention that nominated him adopted a platform of about this purport:

1. Opposition to the improvement of rivers and harbors.
2. Opposition to a national bank.
3. In favor of the veto power.
4. Free religion.
5. Slavery is national.
6. The fugitive slave law must be enforced at all hazards.
7. *No more* agitation of the slavery question.
8. Indorses Kentucky and Virginia resolutions of 1799.
9. Supports Missouri border ruffianism, and in favor of extending slavery into Kansas by such means.
10. Compromise measures of 1850.
11. New States with or without slavery.
12. Kansas and Nebraska ditto.
13. In favor of free seas and free trade the world over, except the Gulf of Mexico, which shall be free only to America.
14. Europe, Asia, and Africa, keep hands off from the western hemisphere, or we'll fight. We are the biggest toad in this puddle, and can manage all the tad-poles if let alone.
15. We want Cuba; we are strong enough to take her; therefore she is ours.
16. We will support Walker's government.
17. In favor of building a railroad to California, but for the Constitution.

I believe this enumeration presents, not unfairly, the spirit of the Cincinnati platform; seven of the seventeen points go to show their attachment to slavery.

In process of fusion and to be fused with this party, is the Know Nothing or American party, with Millard Fillmore as its nominee for the time being. As this party, like the Buchanan party, makes slavery the leading or controlling element in its creed, and being the weaker, it will naturally fuse with the stronger. As evidence of what it will do in the future, we may judge by the past and present. In the contest in this House these two parties fused in their votes for Speaker, on Smith of Virginia, Oliver of Missouri, Porter of Missouri, and Aiken of South Carolina. Since the election of Speaker, on all questions where slavery was in any way involved, they have acted together as naturally as if they were consolidated. In the Brooks, Keitt, and Herbert cases, they were together. In the contested-election cases of Allen and Archer, of Illinois, of Chapman and Bennett of Nebraska, of Whitfield and Reeder of Kansas, they coöperated. In the Senate, Benjamin, Jones, Pearce, and Pratt, have gone over to Buchanan. In view of these facts, for all practical purposes of the approaching presidential election, it is safe to say that the Know Nothings, or American party, will unite with the pro-slavery Buchanan party.

Opposed to this combination the *people* have presented Colonel John C. Frémont, upon a platform embodying the following declaration of principles:

1. Opposition to the extension of slavery into free Territories, the admission of Kansas as a free State, and the restoration of the Government to the principles of Washington and Jefferson.
2. Maintenance of the right to life, liberty, and the pursuit of happiness, as the chief end of government.
3. Congress has no power under the Constitution to legalize slavery in the Territories.
4. It is the duty of Congress to prohibit polygamy and slavery in the Territories.
5. That it is our duty to punish the frauds, outrages, and usurpations in Kansas.
6. In favor of river and harbor improvements.
7. In favor of the Pacific railroad.

Mr. Chairman, this movement of the people to bring the Government back to the control of first principles, is imperiously demanded on account of the wickedness of this Administration. It is no party movement—no contest, as of old, between Whigs and Democrats, about questions of bank and tariff; but, sir, it is a struggle for civil liberty—for the rights of man. It reaches fundamental principles, the very foundation of our Government. It is to decide whether the best energies—indeed the entire power of this Government shall be devoted to the perpetuation of liberty or slavery. There is no half-way work—no half-way house—no compromise in this struggle. It is the beginning of the end, and "may God prosper the right!"

Colonel John C. Frémont, of all men, is *the* man for the crisis. He is no hackneyed politician, but is fresh from the people. The laurels that crown his brow were earned in no partisan contest, but were awarded him by the entire country for his achievements in science—his intrepidity of character—his vast discoveries—for benefits conferred upon his country and the world. He opened up to view and settlement a vast empire in the West. He scaled the Rocky Mountains, and at his bidding California sprang into existence, and now out of her abundance is filling the world with wealth. His spirit hovered over her in her infancy, and taught her the lessons of freedom. He discovered and pointed out the "passes" through which she has received her population. He brought her into the sisterhood of States, and, as United States Senator, provided her with wholesome laws. He has called the commerce of Asia across the Pacific to our western shore. By his own almost unaided achievements, he has established a world-wide reputation for himself, reflecting honor and glory upon his country.

> "In the bright lexicon of youth,
> Which fate reserves for a glorious manhood,
> There is no such word as *fail!*"

This was his motto in early life, and most faithfully has he lived up to it. When stout hearts quailed and weather-beaten cheeks blanched, his cry was "onward!" and his career has been onward and upward, surmounting all difficulties. The voice of resolution kept uttering within him, "there is no such word as fail." His *character* (for it is formed) belongs to the American people, and if we desired a model for youth to follow, we need not go abroad for the contribution. If it were asked, "What has he done that should entitle him to be P
MADE HIMSEL
Frēmont has
fame—its we
done more?

The energy and endurance of a Bonaparte—the intellect of a Jefferson—the firmness of a Jackson, are qualities he possesses, fitting him for the exalted station of Chief Magistrate, and are requisite to recover for our common country the glory that has been lost by mal-administration.

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